## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NUMBER 1:07-CV-00953

RYAN McFADYEN, et al.,	) EXPEDITED REVIEW REQUESTED
D1 : .: CC	
Plaintiffs,	) <b>JOINT MOTION TO STRIKE</b>
	) PLAINTIFFS' UNTIMELY AND
V.	) UNAUTHORIZED
	) "CORRECTED" RESPONSE
DUKE UNIVERSITY, et al.,	) BRIEF
Defendants.	)

Pursuant to Local Rule 83.4(a)(2), Defendants Tara Levicy ("Nurse Levicy"), Gary Smith ("Officer Smith"), Duke University ("Duke"), and Duke University Health System, Inc. ("DUHS"), (collectively, "Defendants") hereby move the Court to strike Plaintiffs' untimely and unauthorized "corrected" response brief [DE 351]. In the alternative, Defendants move for leave to file a supplemental reply brief addressing the new contention raised in Plaintiffs' "corrected" response brief.

The bases for this motion are set forth in detail in the accompanying Joint Brief in Support of Motion to Strike Plaintiffs' Untimely and Unauthorized Response Brief. For the reasons stated therein, Defendants respectfully request that the Court strike Plaintiffs' "corrected" response brief from the docket.

## This the 24th day of March, 2014.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on 24 March 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and to Mr. Linwood Wilson, who is also registered to use the CM/ECF system.

This the 24th day of March, 2014.

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